

Entered - 6-11-01 - sb
CL 00L0724 - GWENDOLYN BURNS

CLAIM OF: **NICOLE H. FARRELL**
P.O. Box 8568
Atlanta, Georgia 31106

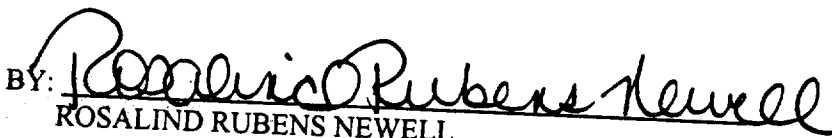
01-R-1821

For vehicular damages alleged to have been sustained as a result of driving over an exposed sanitary sewer manhole that was under construction on October 20, 2000 at 17th Street, NE & Peachtree Street, NE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **NICOLE H. FARRELL** the sum of **\$630.60** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of driving over an exposed sanitary sewer manhole that was under construction on October 20, 2000 at 17th Street, NE & Peachtree Street, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0724

Date: October 31, 2001

Claimant /Victim NICOLE H. FARRELL
BY: (Atty) (Ins. Co.) _____
Address: P.O. Box 8568, Atlanta, Georgia 31106
Subrogation: _____ Claim for Property damage \$ 630.60 Bodily Injury \$ _____
Date of Notice: 11/28/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/20/00 Place: 17th Street & Peachtree Street, NE
Department PUBLIC WORKS Division _____
Employee involved _____ Disciplinary Action: Sewer Operations

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was driven over a sanitary sewer manhole that was under construction and left in an unsafe condition.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 630.60 Adverse _____
Claims Manager  Account charged: 1A01 _____ 2J01 X 2H01 _____
Committee Action: _____ Concur/date 11-2-01
Council Action _____

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 11/16/00

BURNS
11/28/00
Gwen

Dear Clerk of Council:

ENTERED - 12-1-00 - SB

00L0724 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 630.60 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 10/20/00
(month/day/year)
2. Police called: X
Yes No
3. Location of incident: 17th STREET AT PEACHTREE STREET IN MDTOWN
4. Name of your insurance company: USAA CASUALTY INSURANCE CO. Policy No. 002798115C
5. State what and how incident occurred: HEADING WESTBOUND ON 17th CROSSING PEACHTREE UP HILL, LIGHT TURNED GREEN (SEE EXHA) AND HIT DIP IN PAVEMENT, WENT OVER EXPOSED MANHOLE (SEE EXHA) AND HEARD METAL SCRAPE NOISE UNDER CAR. NOTICED NO CAUTION WARNINGS (EXHA B&C) THEN SAW ON EB SIDEWALK LAYING DOWN. NOTICED OIL POURING OUT OF MY CAR IN REARVIEW MIRROR, PARKED AND HAD TOWED IMMEDIATELY.
6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL AND RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! TOOK PHOTOS AFTER CAR TOWED AWAY.
7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
Your vehicle: MERCEDES 300SL, 1990
(make) (year) (tag number) NICOLE H. FARRELL
(driver's name)
City vehicle: N/A
(make) (City driver's name) (department/bureau)
8. Witness: LINDA KELLER, USAA INS. ADJUSTER (SAW VEHICLE) (800) 531-8222 X 44187
(name) (address) (telephone number)
9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

NICOLE HAROUFF FARRELL
(claimant's name)

P.O. BOX 8568
(address)

ATLANTA, GA 31106
(city and state)

(404) 885-7880 (404) 218 8438
(work number) (home number)

Nicole Farrell
P.O. Box 8568
Atlanta, GA 31106
404-885-7880

November 6, 2000

Certified Mail
Council of the City of Atlanta
Clerk of Council
City Hall
55 Trinity Avenue, S.W.
Atlanta, GA 30335

11-15-00A10:27 RCVD

Dear Clerk of Council:

I have enclosed a completed claim form for damages incurred to me in the amount of \$630.60 and a copy of my repair, rental car bill, photos entered as Exhibits A, B, C & D of accident site and proof of vehicle ownership.

Two repair estimates were not obtained because I have a very good mechanic that I have used for years that is the most reputable for foreign car repair and his prices have been consistently lowest for the past 5 years. The damage to my oil pan was immediately following impact with the dip in pavement and hitting the manhole and all oil drained from my engine. It was important to get it to the shop immediately to access any damage to my engine.

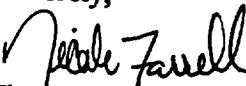
The actual total damage amount was \$976.41 broken down as follows:

Car towing and repair:	\$ 845.91
Rental Car:	130.60
USSA Paid (- \$ 500. Deductible)	<345.91>
TOTAL damages incurred	\$ 630.60

My insurance adjuster saw the damage to the vehicle and can verify the damages cause by the roadwork being done on 17th Street at Peachtree Street in Midtown. It troubled me that the warning materials and grates were not in place during road repair as this accident could have been avoided.

I hope you will take this claim into consideration and if you have any questions please feel free to call me.

Sincerely,


Nicole Farrell